

MEMOIRS

OF THE

LIVES *and* FAMILIES

OF THE
William Boyd, Earl of
Lords *Kilmarnock, Cromertie* and *Balmerino*.

To which are added

A Faithful NARRATIVE of the
PROCEEDINGS against them :

T H E

Genuine SPEECHES of the LORDS
Kilmarnock and Cromertie :

A N D

An Exact Account of the Behaviour of the LORDS
KILMARNOCK and BALMERINO, at the Time
of their Execution.

The THIRD EDITION, Carefully Revised.

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MEMOIRS, &c.



HERE is nothing we are apter to value ourselves upon, than an illustrious Descent ; nothing we take so much Pride in, as to recount the noble Deeds of our Ancestors ; and yet there is nothing so absurd, as to attribute any Merit to ourselves, from the Virtues of our Progenitors ; unless we have something of our own, some conspicuous Worth, that declares us as much allied to their Virtues as to their Blood : Without this intrinsic Merit, we appear like base Metal with the Royal Stamp upon it ; we are the mere Shadow of what they were ; and those Titles and Honours which descend to us from a long Lineage of great Ancestors, instead of creating us Esteem, serve only to make us more conspicuously contemptible.

This was the Opinion of a *Grecian* Hero, and has been the concurring Sentiments of all wise Men, in all Ages of the World. The Mob, the mere Vulgar, may be caught with outside Shew ; their shallow Understandings may be pleased with the Pomp of Titles and Grandeur, however counterfeit : They may be deceived ; but the Wise, the Judicious, and thinking Part of Mankind, examine the intrinsic Worth of the Metal before they admit its Currency : They soon discover the Alloy, though

gilded with a thousand Titles, and hid under a Roll of Ancestors as old as *Adam*.

The noble Lords, now the Subject of the following Sheets, may boast a Train of Ancestors, as long and as noble as most Families in *Europe*: Till now they can say their Blood ran untainted in an illustrious Channel, and we may find, amongst their Forefathers, Men as eminent for their Loyalty, and conspicuous for their Virtue, as any our Annals boast of: But what availeth that to them? In one fatal Day they have contaminated their richest Blood, and now have no Interest in their Progenitors, but to be distinguished by the dead Letters of their Name.

It would be ungenerous to add Reflections to their Misfortunes; and, however they may have deserved of public Justice, to which they are now subjected, yet Humanity and Good-nature teach us to treat their Characters with Tenderness, and to alleviate, rather than exaggerate their Crimes.

In this Disposition of Mind, I have attempted to write these Memoirs: My Intentions are free from any Design to asperse the noble Lords, or heighten the Crimes with which they stand charged, by any malicious Representations or ill-natured Colourings: On the contrary, I shall keep religiously to Facts, and shall omit no Circumstance that can create a more favourable Opinion of them in the Minds of the Public.

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Though the illustrious Deeds of their Ancestors may strike them with secret Compunction, and can afford them no Cause of Exultation, as they have deviated so far from those Steps which raised their Families to that Eclat; yet the public Service of their Forefathers may operate so far in their Favour, as to recommend them, at least to the Compassion, if not to the Mercy of the Public.

I shall therefore proceed, as free from the Fear, as I am from the Intention of offending any Party or Set of Men, by the following Sheets: The noble Lords are now, unhappily for them, the Subject of almost all Conversations; and therefore I thought it might not be an unacceptable Offer to the Public, to present them with what little Knowledge I had of those unfortunate Noblemen. I shall begin with *William*, Earl of *Kilmarnock*, as he has the senior Title of Earl.



*The LIEE and FAMILY of WILLIAM
BOYDE, Earl of KILMARNOCK
and Lord BOYDE.*

THE Earl of *Kilmarnock* takes his Title of Earl from a Royal Borough of that Name, in the Shire of *Cunningham*: The first remarkable Man of his Family, and the first who assumed the Surname of *Boyde*, is said, by *Scotch* Genealogists, to be *Robert*, the Son of *Simon*, third Son of *Allan*, Lord High Chan-

cellor of *Scotland*, in the Year 1111; so in Right of this *Robert*, from whom the Earl of *Kilmarnock* is lineally descended, this Branch of the Name of *Boyde* claims to be Chief, and acted in that Capacity, when Chieftainship was in Repute in that Part of the Country; but for more than a Century and a half, Chiefs in that Part of *Scotland*, neither have nor claim any other Advantage, but that of Precedency.

Historians have left a Blank in the Genealogy of the Family, from the last mentioned *Robert Boyde*, in the Year 1111, to a Descendant of his, called Sir *Robert Boyde*; who, in the Year 1263, gave signal Proofs of his Valour and military Skill, in that famous Battle of the *Larges*, fought by the *Scots* against the *Norvegians*, who attempted to make a Descent upon that Part of the Country; for which (for it seems in those Days Merit was rewarded) he obtained a Grant from the Crown, of several Lands in the Shire of *Cunningham*. He was succeeded by another Sir *Robert*, who, like his Predecessor, exercised his Valour in Defence of his King and Country; and like him, happening to live in an Age when Virtue was the only Way to Preferment, he received a Reward of his Services, the Lands of *Kilmarnock*, from *Robert* the First, then King of *Scotland*; which Lands have continued ever since in the Family, and now give the Title of Earl to the present Lord.

He was succeeded by his Son, Sir *Thomas*, a Man eminent for Learning and Piety. He discharged

charged several Employments of great Trust and Honour, to the Satisfaction both of the King and the Subject. He lived to a good Age, and was succeeded in his Estate and Honour by his Son Sir *Thomas*, who inherited his Father's Virtues as well as his Wealth. He lived in the Esteem of his King and Country, having married one of the Daughters and Coheirs of Sir *John Giffard*, of *Yester*, in the Shire of *Tweeddale*.

He was succeeded by *Thomas* his Son, who held Places of great Trust under the Crown, and was esteemed a Man of Weight in his Country, and received by the *English* as one of the Hostages, for the Ransom of King *James I.* He married *Jane*, a Daughter of the Family of *Montgomery*; by her he had a Son of his own Name, who succeeded him.

This *Thomas*, Historians make no other mention of, except that he was Father of *Robert*, a Man remarkable for his Abilities, both as a Soldier and a Statesman: He made large Additions to his paternal Inheritance, and grew so much into the Esteem and Confidence of his Sovereign, that he was created a Baron, and called to Parliament by the Name and Title of Lord *Boyde* of *Kilmarnock*: He had a younger Brother, no less eminent for Valour than himself; who received the Honour of Knighthood, and was stiled Sir *Alexander Boyde* of *Duncow*; of which Branch we shall have Occasion to speak presently, as they succeeded to the Estate and Honours of *Kilmarnock*.

Robert, the first Lord *Boyde*, was succeeded by his Son *Robert*; who inherited from his Father, all those eminent Qualities which give Lustre to high Birth: He was a Nobleman of a quick Wit, and penetrating sound Judgment; he knew Men and Things as well as any Man of his Time, was courteous and affable in his Behaviour, by which Means he acquired the Esteem and Confidence of all Ranks of People, and in a short Time gained such a Share of Reputation and Popularity, that on the 25th of *October* 1466, he was, by Letters Patent, created Regent of *Scotland*, during the Minority of King *James* III. He married *Marion*, Daughter of Sir *Robert Maxwell* of *Calderwood*, by whom he had Issue

Thomas Lord *Boyde*, who in his Father's Lifetime, and by his Father's Interest as Regent, married the Lady *Mary Stewart*, eldest Sister to King *James* III. This Match and near Alliance to the Crown, added to his own distinguished Merit, raised him to a nearer Place in the Affection, as well as Confidence of his Sovereign, by whom he was created Earl of *Arran*, and in a little Time after was sent Ambassador to *Denmark*, to treat of a Marriage between the young King, his Brother-in-law, and *Margaret*, a Daughter of that Crown.

He succeeded in his Embassy, espoused the *Danish* Princess in the Name of his Master, received her on board the Ships appointed for her Convoy, and brought her safe to the Firth of *Leith*, where the Queen landed; but her Conductor,

ductor, the Earl of *Arran*, found it was not safe for him to set Foot on his native Shore; for though he brought Joy and a Queen to his Sovereign, yet the hidden Practices of his Enemies had so far prevailed on that Prince in his Absence, as to sacrifice to their Resentment, not only the Earl, but all his Family, notwithstanding their own and their Ancestors great Services to the Crown, and in spite of the Ties of Blood which so closely united them.

The Earl of *Arran* was no sooner set out for *Denmark*, than those Enemies, which Envy alone had raised him, set about contriving his Ruin: They represented to the young King, that the old Lord *Boyde* had abused his Power during his Majesty's Minority; they objected his matching his Son, now Earl of *Arran*, with the Royal Family, as an Indignity to the Crown; and the Prelude to the Execution of a Plot they contrived, of usurping the Sovereignty. The Prince, who had none of the most penetrating Heads, was soon alarmed, and his Fears were soon wrought upon, he quickly becoming the Tool of the lowest Revenge: At their Request he summoned a Parliament, before whom the old *Thomas* Lord *Boyde*, the Earl of *Arran*, his Son, (though absent *Reipublica Causa*) and his Brother, Sir *Alexander Boyde* of *Duncow*, was summoned to appear, and give an Account of their Administration. The good old Lord finding it impossible to stem the Torrent, and having no Confidence in the Parliament, which he knew his Enemies had

had found Ways and Means to model for their mischievous Purposes, (it would seem that packed Parliaments is no new Thing) took an Opportunity to make his Escape into *England*, where he died in Peace.

His Brother, Sir *Alexander*, had the Courage to stand a Trial; but his Innocence was not sufficient to save him from the Malice of his Enemies; he was attainted, found guilty of High-Treason, and executed.

Things were in this Situation when the Earl of *Arran* arrived with the espoused Queen in the Firth of *Forth*: Before he landed, he had some Friend who gave him Intelligence of the State of his Family, and the Danger of his Person: He therefore did not think it proper, to attend the Ceremonial of the Queen's Landing, or to trouble his weak and ungrateful Master with the Success of his Embassy; but, taking the Opportunity of one of those *Danish* Ships which convoyed the Queen, and were under his Command, he embarked his Wife, and retired to *Denmark*, where he met with a Reception, suitable to his Birth and real Merit: From thence he travelled into *France*, and going to pay a Visit to *Charles*, then Duke of *Burgundy*, in the Year 1470, he died at *Antwerp*, and was honourably interred at the Expence of the Duke of *Burgundy*, who ordered likewise a superb Monument to be erected to his Memory, with an Inscription suitable to the great Character he had justly merited from all Lovers of Worth and Virtue.

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By his Lady, the Lady *Mary Stewart*, he left a Son, named *James*, who died without Issue; and a Daughter, who was first married to *Alexander Forbes*, Ancestor of the Lord *Forbes*, and afterwards to *David Kennedy*, Earl of *Cassils*; by both which Marriages she had Issue. The Lady *Mary*, Widow of the Earl of *Arran*, in the Year 1474, married *James* Lord *Hamilton*; and in her Right, and as descended from her, that noble Family of *Hamilton* was next in the Intail of the Crown of *Scotland*, after the Extinction of the House of *Stewart*.

The Earl of *Arran*'s Son *James*, dying without Issue, the Line was carried on by Sir *Alexander*, Son of Sir *Alexander Boyde* of *Duncow*, who by King *James IV.* was restored to the Lands of *Kilmarnock*, and the rest of the Estate of his Family.

Though he had not so much Power as some of his Predecessors, nor so large an Estate, yet he by no means fell short, or was any way wanting in those Qualifications, which had rendered his Family illustrious: The Misfortune which had so lately involved them in Ruin, made him cautious in meddling with State Affairs: He was satisfied with his private Estate; and free from Public Envy, or the racking Torments of Ambition, he lived a Life of Retirement, honoured and respected by all who knew him. He married a Daughter of the Family of *Colvil*, by whom he had Issue three Sons.

Robert

Robert the Eldest succeeded, and proved but unactive ; he lived upon his Estate in the Country, seldom or never coming to Court : Whether the Catastrophe of his Family was still in his Mind, and deterred him from dabbling in Politics, or the natural Indolence of his Temper gave him Aversion to Business, is uncertain : He was allowed to have Capacity enough to discharge the highest Employments ; and if he did not possess the Hereditary Qualities of his House in that eminent Degree which some of his Predecessors had done, he betrayed no Vice to sully the Lustre of his Descent. He married *Helen*, Daughter to Sir *John Sommerviel* of *Comnetham*, by whom he had Issue

Robert his eldest Son and Heir, a Nobleman who had a Genius as remarkable for Activity, at his Father's was for Indolence : The Troubles of the Times, during the unhappy Reign of that unfortunate Princess *Queen Mary*, gave him a sufficient Opportunity to exercise his great Talents : Though he condemned the imprudent Measures, which involved the Queen in the Disasters of her Reign, yet he preserved his Loyalty to that unhappy Princess, during the worst of Times ; and in her greatest Exigency expressed his Abhorrence of the violent Measures pursued by the Subjects against her : And though he wanted the Power, yet he shewed an Inclination to support the Rights of his Sovereign against the wild Encroachments of the giddy People ; since he risked his Life in her Defence, as often as he had an Opportunity ;

nity ; and never deserted her Cause, till by her imprudent Flight into *England*, she put it out of the Power of her loyal and well-affected Subjects to do her any Service. It was then, and not till then, that he made a Virtue of Necessity, and complied with the Times, and Humour of the People, who sat her Infant Son upon the Throne, without any regard to the Mother's Title : He married *Margaret* Daughter and sole Heiress of *George Colquhoun* of *Glin* ; which made a considerable Addition to his Paternal Inheritance : By her he had Issue several Daughters, one of whom married *Hugh Montgomery*, Earl of *Eglington* ; he had likewise a Son named *Thomas*, who succeeded him.

Thomas, was just of Age when he came to the Estate, and applied himself entirely to the Improvement of his private Fortune ; he loved Money more than Renown and Glory, and sacrificed every Thing to his covetous Disposition : He had no Talent for State Affairs, otherwise he might have proved a fit enough Tool for a venal Court : And as he had no Court Talents that could be of any use to King *James* in *Scotland*, so he had no Share of the *English* Money, which that Monarch squandered away profusely upon those of his *Scotch* Subjects, who attributed more Wisdom to him than *Solomon* possessed ; and for the sake of Pensions, bestowed more Prerogative upon him, than any of his more deserving Predecessors ever enjoyed, and for which some of them would have taken the Forfeit of those Courtiers Heads,
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who would have presumed to mention the Design of such an Encroachment upon the Liberty of the People. *Thomas* lived little respected for any good Quality, and died less lamented than any of his Forefathers: He married *Marion*, Daughter of *Matthew Campbell* of *Loudon*, Ancestor to the Earl of that Name; by whom he had Issue, a Son named *Robert*, and a Daughter who married *James Hamilton*, Earl of *Abercorn*; his Son *Robert* married *Jane*, Daughter to *Mark Ker*, Earl of *Lothian*; he died before his Father, leaving Issue two Sons, one name *Robert*, who succeeded his Grandfather, and *James* who likewise came to the Estate.

This *Robert*, though he enjoyed his Grandfather's Estate, inherited none of his Vices; and was entirely free from that sordid covetous Disposition, which betrayed itself in all his Predecessors Actions: He was generous without Profusion; charitable without Ostentation; a zealous Friend, and no inveterate Enemy: He was a hearty Friend to, and Supporter of the Reformed Doctrine of the Church of *Scotland*; in short, a Man of extensive Charity and universal Benevolence: He never affected any Character but that of a private Gentleman; and preferred the Approbation and Confidence of a few faithful Friends and Neighbours, to the Noise and Bustle of a Court: And though he did not die with so much Public Eclat, as some of his Predecessors, yet he left the World as much regretted by the honest Part of Mankind, who were Witnesses of his Virtue, as any Man
of

of his Race. He married *Christian*, Daughter to *Thomas Hamilton*, Earl of *Haddingtoun*; and died in the Year 1628; leaving Issue *Robert* his Son and Heir, and four Daughters.

The Records of the Family make no other mention of this *Robert* who succeeded, but that he died without Issue, and that his Estate and Honours devolved upon *James* his Uncle by the Father's Side. Historians, as well as the Records, are as silent as to the Deeds or Character of *James* as they are of *Robert*; they marry him to a Daughter of *John Clark* of the City of *York*, Esq; by whom he had Issue *William* his Son and Heir. This is the first Time they have matched beneath their Quality; and some account for it in this Manner: They say, *James* married this Lady when he had no Prospect of the Estate, and so as a younger Brother, had more Occasion for Money than high Blood: Of the former, this Lady had it seems great Plenty; but the real Occupation of her Family, the Annalist chose to conceal under that general Appellation of Esquire: But whatever might be the Lady's Quality, she brought with her a large Stock of Ready-Money, which the Estate at this Period of Time wanted, and possessed as large a Share of Virtue and Prudence, as any Lady that ever married into the Family.

William succeeded to the Estate, and gave early Proofs of his Abilities, and that he inherited all the shining Qualities of his Progenitors. He was esteemed a Man of Wit and Learning, which

which recommended his more solid Parts in the gay Court of King *Charles II.* He was remarkably active in the Interest of that Monarch, when the Prospect of his Restoration was set on Foot; for which, and some Services he did the Crown after the Restoration, he was created by King *Charles II.* Earl of *Kilmarnock.* The Family having remained in a private Station from the Time of the famous Earl of *Arran* in *James III's* Time, till this Period, when they again appeared in Parliament with their ancient Lustre. He married *Janet*, Daughter to *William Cunningham*, Earl of *Glencairn*: He died in the Year 1692, leaving Issue four Sons and two Daughters.

William the eldest Son succeeded, a Youth remarkably beautiful in his Person; and a particular Sweetness in his Temper, joined to a ready Wit, and a Solidity of Judgment beyond his Years, gave Hopes that he would prove an Ornament to his high Birth and Station; but he survived his Father but a few Months. He had married in his Father's Life-time, *Lettice*, Daughter of *William Boyde*, a considerable Merchant of the City of *Dublin*, and a Relation of his own; by whom he left Issue, *William*, the third Earl of *Kilmarnock*, and *Thomas Boyde*, a Gentleman eminent in the Profession of the Civil and Municipal Law of *Scotland*, who, for his distinguished Merit, was promoted to the Honour of Lord Advocate.

William, the third Earl of *Kilmarnock*, was no less distinguished for his Abilities, than the rest

rest of his Predecessors: He was remarkably zealous in the Parliament of *Scotland*, for that famous Act called, *The Act of Security*; was somewhat wavering in his Conduct with relation to the Union; and affected, in the beginning of that Affair, to join the *Squadron Volante*: I mean that Party, headed by the Marquis of *Tweeddale*, who were distinguished by that Name, on account of their pretending to join neither of the Parties, but to cast the Ballance between them. But the Earl, finding the Weakness, as well as the selfish Views of that Party, left them and joined the *Whigs*, and those who promoted the Union; though, like many others who voted for it, he could have wished it had been conducted with more Circumspection; that the Means to bring it about had been less worthy of Censure; and that the whole had put on a more popular Aspect. He died *November 22, 1717*; leaving Issue by *Euphene* his Wife, Daughter to *William Lord Ross*, *William* the Fourth Earl of *Kilmarnock*.

William the Fourth Earl, the principal Subject of these Sheets, was but very young when his Father died; but discovered an early Genius not unworthy the Dignity of his Birth: But his Father's Death leaving him too soon at Liberty to be his own Master, and the Indulgence that is generally given to young Noblemen, added to the natural Sprightliness of his Temper, soon gave him an Aversion to a rigorous Study of Letters, though he had made some Progress

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in Classfical Learning, and had acquired some tolerable Notion of Philosophy and Mathematics; but there was too much of the volatile in his Disposition, to continue long at Exercises that required Application: He was more happy in acquiring those which are called genteel Accomplishments; such as Riding, Fencing, Dancing, and some Musick; in all which he excelled, and was justly esteemed by Men of Taste, a polite Gentleman.

When he came to the Estate, it was pretty much incumbered, and great Part of the old Patrimony alienated: The Earl's Disposition was by no Means cut out for improving it by Parsimony; on the contrary, as his Income was infinitely short of what the Generosity, or rather the Profuseness of his Disposition, would prompt him to spend, he found his Affairs daily growing worse, and therefore thought of bettering his Circumstances, by an advantageous Match: To this Purpose, he fixed his Eyes upon the Lady *Ann Livingston*, Daughter of *James*, Earl of *Linlithgow* and *Callander*, a young Lady of considerable Fortune, a great Beauty, and every way accomplished to make the greatest Prince happy. The Earl made his Addresses to the Lady, but her Friends, who knew the low Ebb of the Earl's Fortune, refused their Consent; however, his Lordship's agreeable Person and genteel Address, raised a Friend for him in the generous Lady's Bosom, who is naturally an Enemy to Settlements, and other paternal Cautions: In short, the young
Lady

Lady married him without her Mother's Consent, who was obliged to submit when there was no Remedy. His Lordship, it is said, proved but ungrateful for the Lady's Generosity; and public Fame strangely bely him, if she had not much Cause to complain of his Conduct; but as her Ladyship has both a large Share of Spirit, Wit, and good Sense, they lived, if not happily, at least civilly together.

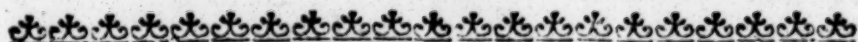
His Lordship's Expences, added to the Charge of a Family, reduced the Estate so low, that it was not now sufficient to support them with any tolerable Decency; insomuch that he was obliged to apply to the Ministry for a Pension, which he obtained in Consideration of ———, and has ever since enjoyed: This, by most People, was looked upon as an Aggravation of the Earl's Treason; but I consider it in a different Light: A Pension granted by the Sovereign to a Peer reduced to Circumstances unequal to his Dignity, is no doubt an additional Tie upon his Loyalty, and must heighten any Act of Ingratitude of his, in a high Degree; but a Pension granted by a Minister to serve some Party Purpose, and perhaps to betray the essential Privilege of Peerage, cannot be compared with this; the one enforces Love and Gratitude, while the other saps the Foundation of Honour, and hardens and prepares the Mind of the Receiver, for the blackest Treachery. He, who for the Sake of a Bribe, or a temporary Pension, can give up his Freedom to the Dictates of a designing Minister, can never be possessed

of any Principles of Loyalty to his Sovereign : As he has sold himself to the Minister, he must be ready on all Occasions, to make the best Market of his Treachery, and to make Shipwreck of his Duty, both to King and Country, when an Opportunity offers that flatters his Interest. Whether my Lord *Kilmarnock's* Pension was a ministerial Bribe, or a Royal Bounty, is a Question I cannot determine with any Certainty ; but I have Reason to suspect the former, since few Pensions, granted by a certain Administration, deserved the Name of the latter : But without Breach of Charity we may make this Remark, which I hope will not be thought unseasonable, that little or no Dependance is to be had upon that Loyalty, which wants the Support of Bribes or Pensions. I dare not wish that all who are bribed, may betray their Trust ; the Practice is too general, and a Defection of this kind of Men may be fatal to the State : But I hope there is no Sin in wishing, and that all honest Men will join me in my Wish, that every Person who bribes the Subject, to serve private or party Views, may be deceived by those they bribe.

It does not appear to me that the Earl was in the original Design of this Rebellion ; I do not take him to be of that Complexion, that the Party would have trusted him with their Designs before they were ready, or rather partly put in Execution. As his Countess is Heiress of the House of *Linlithgow* and *Callander*, this Lord might flatter himself with some Advan-

Advantages that Way, by the Restoration of the House of *Stewarts*: This Circumstance, and his Lordship's Necessities, might induce the Party to number him as one of their Friends, without so much as consulting his Inclinations; and these Hopes might likewise induce his Lordship to comply with their Sollicitations with less Reluctance; but it is certain the Rebellion was far advanced, before his Lordship so much as thought of joining them, and had he been supported but by one Friend, to second his own natural Timidity and Irresolution, he had certainly deceived the Expectation of the Party, and preserved his Loyalty. But his Lady happening to be at *Edinburgh* when the young Pretender entered that City, she was charmed with the Gaiety of his military Court, and the Affability with which he treated her and all the Ladies. The Countess is naturally of a very gay Disposition, is fond of public Diversions, and is generally the first at all Parties of Pleasure: Finding herself more than usually carested by a Person who personated Sovereignty, which flattered her Vanity, and puffed up her Ambition, she was soon converted to the *Jacobite* Faith, and her Lord had not Resolution to withstand her Sollicitations, especially after the Battle of *Preston-Pans*, which elevated the *Jacobites* to such a Degree, that they esteemed it Madness and Infatuation in every Body who did not immediately join their Standard: Amongst the rest, the Earl of *Kilmarnock* joined them, and was received by the young Che-

valier with great Marks of Esteem and Distinction ; was declared of his Privy-Council, made Colonel of the Guards, and promoted to the Degree of a General. How his Lordship behaved in these Stations (quite new to him, and foreign from his former Manner of Life) I shall not take upon me to determine ; but common Fame says, that he behaved with Courage and Resolution till the Day of the Battle of *Culloden*, when every Thing that was manly forsook him, and he rather surrendered himself than was taken Prisoner ; from whence his Lordship's Enemies made very unfavourable Conjectures, which, though dishonourable in the main, yet as they would have tended, if true, to the promoting his Lordship's Safety, I wish there had been some Grounds for them ; though to speak the Truth, from the small Knowledge I had of his Lordship, and the general Opinion his Acquaintance had of him, I believe he was as little capable of doing what is hinted at, as any Man living . It is the Fate of the Unfortunate, that few speak Truth of them, but each according as they affect ; and Malice, and a warm Imagination, frequently supply the Place of, and is believed as firmly as the best supported Facts.



The LIEE of GEORGE M'KENZIE,
Earl of CROMERTIE, *Viscount* TAR-
 BAT, *Lord* M'LEOD and CASTLE-
 HAVEN, *Hereditary Sheriff of the County*
of Cromertie, and Baronet of Nova Scotia.

THE Family of *George, Earl of Cromer-*
tie, is a Branch of the Family of *Sea-*
forth; so that in tracing his Descent, we must
 go back as far as the Original of that Family.

The Name of *M'Kenzie* is one of the most
 antient, and amongst the most numerous of
 the Clans of *Scotland*: They account for their
 Name and their Original, in the following
 Manner; In the Year 1263, the *Danes* and
Norwegians made a Descent upon the West
 Coast of *Scotland*; this Descent being rumour-
 ed abroad, several young Gentlemen, who
 wanted to push their Fortune, came over from
Ireland to the Assistance of *Alexander III.*
of Scotland: Amongst the rest *Collin Fitzge-*
rald, a younger Son of the Earl of *Kildare* or
Desmond came over, and carried along with
 him a few Volunteers, who came Time enough
 to join King *Alexander* at the famous Battle of
 the *Larges*, when the *Scots* obtained a signal
 Victory over the *Norwegians* and *Danes*: Our
 young Adventurer *Collin*, shewed himself wor-
 thy of the high Blood of the *Fitzgeralds*, and
 gave such surprizing Proofs of his Valour and
 military Skill, that the King took particular

Notice of him, and rewarded his high Merit, by bestowing upon him the Lands and Barony of *Kintail* in the Shire of *Ross*; which appears from a Charter under the Great Seal of *Scotland*, dated at *Kincardin*, in *January* 1266. The *Scotch* King, by this Means, secured our Adventurer to himself, and by giving him an Interest in, made him look upon himself as a Native in the Country, where he is now to settle. *Collin* married a Daughter of the House of *Argyle*, and by her had a Son named *Keneth*, who succeeded his Father in the Barony of *Kintail*: This *Keneth* was as remarkable for Prowess and Valour as his Father, and in these unsettled Times, had many and frequent Opportunities of giving Proofs of it: He soon acquired a large Share of military Reputation, the only Quality in Esteem in those Days, and having a very numerous Issue, his Children were distinguished by the Patronymic *M' Keneths*, or the Sons or Children of *Keneth*, a Thing very common in that Country. From a Patronymic, they came to use it as a Surname, forgetting that of *Fitzgerald* intirely, and by degrees *M' Keneth* came, by Corruption, to be changed to the present Orthography *M' Kenzie*: They remained Barons of *Kintail* from this Time, till 1623, when they were created Earls of *Seaforth*, a Space of near 400 Years.

Keneth, the second Baron of *Kintail*, was equally remarkable with his Father for Deeds of Arms; and what was extraordinary in a military Man, was very religiously disposed: He

was

was a rigid Observer of all the Feasts and Fasts of the Church ; moderate in all his Passions, which he endeavoured to keep still in greater Subjection, by the most severe religious Penance. He was charitable to the Poor, but carried his Largesses to the Priests and Begging Orders, to a Degree of Excess. He spent his Income, which was considerable in those Days, in Acts of Charity and Hospitality. When he died, he left all his Personal Estate to the Church, dividing it amongst the several adjacent Monastries; and left a large Rent-Charge upon his real Estate, to be paid to the Monks of *I. Colum. Kill.* for saying a Number of Masses for the Repose of his Soul, and that of his Ancestors : This was the religious Foible of those Days, which the Priests found many Opportunities to improve to their Advantage ; but later Ages have found out a Way to Heaven, less expensive to themselves, and less destructive of their Patrimonial Estate.

He was Father of *Keneth*, the third Baron of *Kintail*, who happened to be at some Public Meeting with *Mackay*, Ancestor of the Lord *Rea*, where a Quarrel of small Significancy happened, yet was carried on with a great deal of Spleen and Rancour, by the Adherents of both Sides for several Years. They had several Skirmishes, as being both Chieftains, considerable for the Number of their Followers, which were determined sometimes in Favour of the one, and sometimes of the other ; but it was the Misfortune of the Baron
of

of *Kintail* to lose his Life, by a random Shot of an Arrow in one of these Engagements, though his Men got the better of the *Mackays*.

To him succeeded *Murdoc*, the fourth Baron of *Kintail*, who endeavoured to revenge his Father's Death upon the *Mackays*; but both Parties finding themselves sensibly weakened by this unnatural Contention, they, by the Interposition of some neutral Friends, accommodated their Differences amicably; and to cement their Union, and take away all Colour of Animosity, a Match was concluded between *Murdoc* the young Baron of *Kintail*, and a Daughter of *Mackays*, which had the desired Effect; and the two Families remained in perfect Peace and Union, to the great Joy of both their Clans and their Neighbours, who were much embarrassed by these intestine Feuds.

Murdoc died and left Issue, by the forementioned Match, *Alexander*, a Youth of great Parts, and distinguished Courage; he happily saw his Family freed from all private Quarrels, so that he had an Opportunity of exercising his great Talents in a more honourable Cause, than in deciding petty Disputes with his Neighbours; viz. in Defence of his King and Country.

The Kingdom was then engaged in a War with the *English*: The young Baron was emulous of Glory and military Reputation, and therefore soon repaired to the King's Standard, though it was not yet his turn to be summoned. He carried with him several of the young Men of his Clan, who were fired with the same

same Desire of Fame, which actuated their young Chief. He had married into a potent Family, a Daughter of *Mac-Dougald* of *Lorn*; who on this Occasion made several of his best Men join his Son-in-Law, that he might appear at Court with the greater Lustre. Our young Warrior was very well received by King *James IV.* but unhappily for him, his Thirst of Glory only hastened his End; and all the Advantage he reaped by it, was to be buried with the Flower of the *Scotch* Nation, in that fatal Field of *Flowden*, where *James IV.* and most of his Nobility lost their Lives.

To him succeeded *Keneth*, of whom Records make no further mention, but that he married a Daughter of *Hugh* Lord *Lovat*; a Match very natural and political; since in those Days it was as natural for Chiefs of Clans to make Alliances with such of their Neighbours as could assist them with Men, as it is now for Kingdoms to value Alliances in Proportion to the Power and Strength of the Kingdom allied. He left Issue four Sons and a Daughter.

John the Eldest succeeded, who applied himself early to Business, and endeavoured to cultivate in himself, rather the Arts of Peace than those of War: He was esteemed the most judicious Man in that Part of the Country, and was generally the Arbitrator of all the Differences which happened in his Country; which he composed for the most Part to the Satisfaction of all Parties concerned. He grew exceeding popular in his Country, and upon
his

his Arrival at the Court of King *James V.* that Monarch soon took Notice of his Ability, promoted him to several Places of Trust as well as Profit, and finding his Fidelity equal to his Capacity, he admitted him of his Privy-Council. He preserved his Reputation and Character untainted till his Death, and was succeeded in his Barony of *Kintail*, by his Son *Keneth*.

Keneth, by no means answered the Pains his Father had taken upon him, to form him for great Things; nor the Expectation the World might conceive of the Son of such a Father. He had none of those shining Abilities which had raised his Predecessor to the Rank of a Statesman; and the best that could be said of him was, that he was not remarkably vicious. However, he married honourably, and according to the Dignity of his Birth. He married *Elizabeth*, Daughter of *John* Earl of *Athol*, a Branch of the House of *Stewart*, which bore that Title, and by her had Issue several Sons.

Collin the Eldest succeeded to the Barony of *Kintail*, at a very troublesome Period of Time, when the Kingdom was rent and divided by intestine Broils and Divisions, in the Beginning of the unhappy Reign of *Queen Mary*; and was numbered amongst the few Loyalists who followed the Fortune of that unhappy Princess, as long as there was any room for rational hope of doing her any Service. He commanded a Part of her Army, at that fatal Battle fought near *Hamilton*; and gave signal
Proofs

Proofs of his Personal Valour as well as Conduct. Upon her Majesty's Flight into *England*, he was amongst the last of her Friends, who submitted to the Regency appointed during the Minority of her Son King *James VI.*

Notwithstanding he had been a zealous Stickler for the Queen-Mother, against the Partizans of the young King; yet he knew so well, how to accommodate himself to the Exigence of the Times, that he so soon wrought himself into the Confidence of the young Monarch, that he declared him one of his Privy-Council, and held him in general Esteem all his Life-time; though he used more Freedom with his Majesty than any other of the Courtiers, in upbraiding him for his Indolence, in the Defence of his Mother, against the Tyranny of Queen *Elizabeth*. He married *Barbara*, Daughter of *John Grant* of *Grant*, Chief of the Name of *Grant*, and Ancestor of the present Sir *James Grant* of *Grant*; by her he had Issue one Daughter, named *Margaret*, who married *Simon Lord Lovat*, and three Sons, *Keneth*, *Roderick*, and *Collin*.

Keneth the Eldest succeeded his Father, and was for the first Time created a Baron in Parliament, by the Name and Title of Lord *Kintail*. His Grandson was afterwards created Earl of *Seaforth*, which Title that noble Family enjoyed untainted, till, by the Folly of the last Earl, the Honours were forfeited for his Appearance in the Rebellion in the Year 1715. But we have no further Occasion to pursue the
Lineage

Lineage of this Family; since *Roderick*; the second Brother of this first Lord *Kintail*, was Ancestor to the Earl of *Cromertie*, whose Genealogy we are now tracing.

Roderick was a Gentleman of distinguished Merit, and recommended himself to King *James VI.* by whom he was Knighted. Tho' he was no Friend to the Encroachments that Monarch endeavoured to make upon the People, by claiming more Prerogative than was consistent with the Nature of the Crown of *Scotland*, he constantly opposed in Parliament all Acts that tended to enlarge the Power of the Crown; though his Opposition, and that of the few that joined him, had little or no Effect, the *English* Treasury which King *James* lavished away among his greedy Courtiers, still procured him a Majority in the Senate; *English* Money proving always too prevalent against the strongest Efforts of Reason or Justice; which was all the Friends of Liberty had, to oppose to the Designs of a Ministry, who had determined to put a Price upon every Thing. *Roderick* soon found that his Zeal for his Country was of no Signification; could bring Her or Liberty no Relief; but only exposed his own Person to the Malice and Resentment of a worthless Set of Courtiers: He therefore wisely withdrew from Court, and retired to the Country; where he married *Margaret*, Daughter and sole Heiress to *Torguil Mac-Leod* of the *Lewes*, by which Match besides a considerable Fortune, he added to his

his Arms, in Right of his Wife, *Or, a Mountain in Flame Proper*; which the Earl of *Cromertie* wears to this Day. He died in 1625, leaving Issue, four Sons and one Daughter.

John the Eldest succeeded to his Father's Virtues as well as his Estate, had a large Share of natural Parts, as well as of acquired Learning; he excelled in the Polite Arts, and was accounted one of the most accomplished Gentlemen of his Age: He was a zealous Friend to Liberty, and of unshaken Loyalty to his Sovereign *Charles I.* by whom he was created a Baronet of *Nova Scotia*. The Times he lived in were full of Trouble and Dangers, and required the utmost of his Skill to reconcile his Loyalty to the Prince, and his Duty to his Country; yet he happily found out the Golden Mean, to preserve both, amidst all the Hurry and Confusion of the Times, without making Shipwreck of either. He attached himself to his Majesty, as long as his Measures were just, and his Views were bounded by the established Laws of the Land, and the Freedom of the Constitution: But left him, and as zealously served the Parliament, when his Majesty seemed inclinable to make any Encroachments upon either. He distinguished between a Love of Liberty and Faction; between Freedom and Licentiousness; between Loyalty, founded upon Principles consistent with the Nature of Government, and a slavish Subjection to the arbitrary Dictates of the Sovereign Will.

Thus pursuing no Scheme but the Honour
of

of his Prince, and the Liberty of his Country, he lived at Peace in the midst of Confusion; and found himself careſſed by all Parties, loved by honeſt Men, and feared by Knaves. He married *Margaret*, Daughter and one of the Coheireſſes of *George Erskine of Innercal*, Brother to *Thomas Earl of Kelly*; by whom he left two Sons. *Roderick*, the youngeſt, took himſelf to the Study of the Law, in which he became eminent, and was promoted to the Dignity of one of the Senators of the College of Juſtice. He married *Margaret*, Daughter of *Alexander Burnet*, Archbiſhop of *St. Andrews*, by whom he had *Alexander Lord Lovat*.

Sir *John* had likewise five Daughters, one of whom was married to *Hugh Lord Lovat*, and another to *Keneth Earl of Seaforth*.

George his eldeſt Son ſucceeded him in his Eſtate and Honours; as alſo in his unſhaken Loyalty and Fidelity to his exiled Sovereign, King *Charles II.* He never could be perſuaded to ſubmit to the Uſurper, but on all Occaſions oppoſed his Meaſures, and gave him abundance of Trouble in the *North*, where his Intereſt and that of the Family lay: He kept up, notwithstanding, all the Caution *Cromwell* could put in Practice, a conſtant and cloſe Correſpondence with the Royal Exile, during the whole Uſurpation. From him he had a Commiſſion to levy what Forces he could for his Majeſty's Service and Reſtoration: Tho' he had no Occaſion to raiſe Forces to bring about that Affair, yet when that Event was compleated, and his Ma-
jeſty

jesty safely settled upon the Throne of his Ancestors, he was amply rewarded for his Loyalty and Zeal; a good Fortune, which was not the Fate of many Noble Families, who suffered for their Loyalty, as well as expressed their Zeal: But Sir *George* was so happy as to please; being a Man of Wit, Humour and Learning, which hit the Taste of this merry Monarch; and perhaps contributed as much to Sir *George's* Advancement, if not more, than all his Services, which were confessedly great: He was, immediately upon the Restoration, made one of the Senators of the College of Justice; and because the Revenue of that Place was not sufficient to support his Dignity, or reward his Merit, he was put into an Office, which seemed a little incompatible, *viz.* that of Clerk Register: This was a kind of Plurality in Law Livings; as little justifiable as those of the Church, but few that are possessed of either, think them a Sin, or if they do, the Salary proves a Sovereign Styptic for the Wound which that makes in their Conscience. He was admitted one of the Privy-Council; and that he might have as many of the Offices of the Law as possible, was shortly after made Lord Justice-General of the whole Kingdom, an Office which had been hereditary in the Family of *Argyle*, till the Marquis of that Title made a Surrender of it in the preceding Reign. These Offices he enjoyed during all that Reign, and the next, when to all his other Honours, was added that of being created a Viscount and Baron by King *James VII.*

Such a Number of Places, and such an Inundation of Honours, heaped upon one Man, made many believe that they were obtained by Concessions, not very favourable to Sir *George's* Character, as a real Lover of his Country. It is certain Sir *George* followed the Court in all their Measures, and stuck at nothing that would promote the Schemes which they had in View, which happened not at all Times to be the most popular: Whether Sir *George's* Compliance with these Measures, flowed from a Conviction (tho' erroneous) of their Justice and Public Utility, or from the Force and Influence of the many Places he enjoyed, I leave every Man to judge according to his Degree of Charity.

When the Oppression of *James VII.* banished him from these Kingdoms, Sir *George* did not think of following his Fortune; but wisely changed with the Times, and was as zealous a Defender of the Revolution as any Man: He made himself necessary to the Revolution-Ministry, and had the Address to preserve his Post of Justice-General, amidst all their Changes.

In Queen *Anne's* Time he was a Stickler, but was admitted of the Privy-Council, and for some time was Secretary of State, and allowed still to continue Justice-General; but whether he was not compliable enough in his Office of Secretary of State, or that the Party had served their Turn, he was turned out, after the finishing a certain memorable and important Affair.

To all the other general Qualities of this great Man, and to all the distinct Places he enjoyed,
my

my Historian makes him a great Officer ; but where he had his Command, except is meant by it, the Commission for levying Men, I have just now mentioned, I know not ; but which ever way he became an Officer, my Author makes him the oldest Officer in the World when he died, which happened the 89th Year of his Age.

Thus we have done with the Memoirs of the first Earl of *Cromertie*, of whom we shall say no more, than that he left Issue three Sons, the two youngest of whom, *James* and *Keneth*, were made Knight Baronets, with the same Precedence of their Grandfather Sir *John*.

The eldest Son *John* succeeded, who married *Ann Murray*, Daughter to the Lord *Elbank*, by whom he left Issue the present Lord.

George, the present Earl's Principles, till this unhappy Rebellion, never were suspected to lean in the least towards Jacobitism ; on the contrary, he was looked upon as the only Branch of the *M' Kenzies*, that could be any ways depended on : His Lordship is not supposed to have been early trusted with the Secrets of the Party. He was applied to (it's said) immediately upon the Pretender's Landing, but he was irresolute, at least seemed inclinable to give no positive Answer, before the Lord *Fortrose* his Chief had declared. When he did join them, which was not till after their Return from *England*, he did not bring any considerable Force along with him, at least, nothing equal to so considerable a Branch of the *M' Kenzies* ; nor was

he much in the Confidence of the young Pretender, while he staid with them. There was, it seems a particular Shyness betwixt his Lordship and *Murray* the Secretary, and the two *Irish* Favourites. His Lordship, like other *Highland* Chieftains, could not with Patience bear that any Man should be carested, but in Proportion to the Number of Men he brought into the Field ; judging that to be the only Touchstone of Merit in the Pretender's Circumstances : He knew these Men had brought nothing into the Field but their own Persons, which was all they had to risque, and yet were carested and trusted more than those who brought Thousands, and risked a fair Estate and Princely Titles in the Cause. What a strange Thing must the Favour of a Prince be, when that of a Person, who only acted the Prince for some Time, should create such Jealousies and Strife, even among Men, whose All, whose very Existence, depended upon Unanimity !

His Lordship had many in the Rebel-Army who were equally disgusted at the Preference given *Sullivan*, and some joined in a Remonstrance to have him removed ; which had no Effect, but to distract their Councils, since the young Pretender knew the Value of the Man too well, to part with him, on the Pique and Caprice of a few : They were in this Distraction, when Preparations were made for an Engagement ; to which they were brought sooner than they imagined. But the Earl was not in it, he and his Son, the Lord *Mac-Leod*, being gone
upon

upon a Party into the Shire of *Ross*, thinking to be soon enough back before the general Engagement. But it is said his Lordship loitered by the Way, and might have joined, but did not, resolving (it is said) to leave them the first Opportunity.

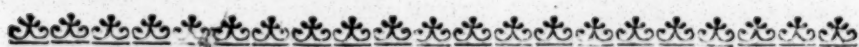
The Fate of the Battle of *Culloden* made it needless for his Lordship to return, however he might be inclined; and therefore he was said to be preparing to set out for *France*, when he was surrounded by the Earl of *Sutherland's* Men, who had an easy Prey of him.

There are various Reports about the Manner of his being apprehended; some will have it the Effect of a bloody Engagement between the two Earls, and that his Lordship was not taken without selling his Liberty very dear: Others, and I fancy with more Truth, give out, that he was taken by Eleven Men, tho' he had five Times that Number about him, without the least Appearance of Opposition; which corresponds more with his former Design of leaving them, and which it had been happy for his Lordship if he had put in Practice, before their Affairs seemed to be so desperate, as they became upon the Battle of *Culloden*.

His Lordship's private Character is very amiable; he is esteemed a polite Nobleman, and remarkably mild in his Disposition, and affable in his Temper and Behaviour, and has little or nothing of that austere Pride and Haughtiness, so peculiar to most *Highland* Chiefs. His Neighbours of inferior Rank found him a

steady Friend, and the Poor a kind and generous Benefactor : His Children found in him an indulgent Father, and his Lady a tender and affectionate Husband.

His Lady is a Daughter of the late Sir *William Gordon*, and Sister to the present Sir *John Gordon* of *Dallfolly*, Member of Parliament for the Shire of *Ross* ; a Lady every way qualified to make a Man happy : She is in her Person extremely agreeable, has a large Share of ready Wit, and a solid penetrating Judgment, to a Degree seldom to be met with in her Sex ; and she has a Spirit and Constancy of Mind, few of them come up to, which the Part she has acted since her Lord's Confinement, sufficiently testifies ; for though she is big with Child, yet she has born the Shock of her Misfortunes with a becoming Dignity, without betraying Insensibility, or yielding too much to any effeminate Marks of Grief : She has Nine Children alive, and the Tenth she is now pregnant of.



The LIEE and FAMILY of ARTHUR ELPHINSTON, Lord BALMERINO.

THE honourable Name of *Elphinston*, though not very numerous in *Scotland*, and cannot be numbered as a potent Clan, yet is very antient, and has abounded with Men of Figure and Note in their Country, as much as any other Name whatsoever : They are said to have come originally from *Germany*, and that

that the first who appeared of the Name married, in the Days of *Robert* the first of *Scotland*, *Margaret*, Daughter to Sir *Christopher Seaton* of *Seaton*, by his Wife, the Lady *Christian*, Sister to King *Robert*.

This *German*, who is presumed, from his Alliance to so near a Relation of the Royal Family, to be a Person of some Note in his own Country, was a valiant and gallant Man, courted all Opportunities of distinguishing his Merit, which in those Days, when all Disputes public or private were decided by the Sword, were often given him; which he improved to his own Advantage, insomuch that he grew in great Esteem at Court, and was much caressed by King *Robert*, who was fond of his settling in the Country, and could not bear to think of his Return to *Germany*: He therefore, to take from him all Pretext for returning, and to give him a natural Interest in *Scotland*, bestowed on him several Lands in *Mid-Lothian*, the Revenue of which was sufficient to support his Dignity; especially in those Times, when Luxury and extravagant Expences were none of the modish Accomplishments of a fine Gentleman, however highly born: These Lands Mr. *Elphinston* called after his own Name, which they still bear.

From him descended *Alexander Elphinston*, of whom Records give us very little Account; they do not inform us what Relation this *Alexander* was to the first *Elphinston*, or what were the Names of those who intervened; they leave

a Chasm in the Lineage from the Days of *Robert I.* till the Thirty-third of *David II.* when they tell us, that this *Alexander* exchanged certain Lands, then in his Possession, called *Kinchinbar*, for certain other Lands called *Arthberg*, in the Shire of *Sterling*, then in the Possession of *Alexander*, Son of Sir *Adam Moor*. These Lands of *Arthberg* he called *Elphinston*, and is the chief Seat, and gives the Title of Lord to the Lord *Elphinston*, Chief of the Family we are now treating of. This is all that is said of *Alexander*; whether he died without Children, or what other Circumstances happened, we are entirely at a loss, and from him we meet with another Gap in the Line of Succession; since the next mentioned is one Sir *William Elphinston* of that * *Ilk*, of whose Relation to his Predecessors we are entirely ignorant; but whatever Connection he had with them, we find him possessed of their Estates, and of that Martial Disposition, which distinguished those of the Name: He is said to have been remarkably tall and large built, and was reputed the strongest Man of the Age. In all Deeds of Chivalry, there were none could excel him; his Courage was equal to his Strength, and his Modesty and Affability excelled, if possible, both: He was apter to overlook an Affront, than Men less capable of resenting it; and chose rather to shew his Contempt of an unmannerly Fellow, than chastise him, unless there

* That is, of *Elphinston*, denoting him Chief of the Name; the *Scotch* using the Word *Ilk* instead of a Repetition of the same Name.

there was a Probability of Honour being gained by the Victory: He made several Additions to the paternal Estate of the Family, both in the Shire of *Lothian*, and in that of *Sterling*, and married, when pretty much advanced in Years, a Lady of the antient and truly noble House of *Douglass*; by her he had a Son,

Alexander, who succeeded him in his Estate, and very soon gave Proofs that he was worthy of such a Father; for though he had not that gigantic Strength which distinguished his Father, yet he was possessed of all his Courage and Vigour, sufficient for the common Occurrences of Life: He applied himself chiefly to the Exercise of Arms, and in a short Time acquired a large Share of military Glory; for though but a Youth, he obtained considerable Command in the *Scotch* Army, then employed against the *English*; had many Engagements with them, where he had the chief Command, and always came off successful, loaded with Honour and Spoils, which was indeed the chief Result of these Skirmishes: But at the famous Battle of *Pipardain*, he exerted himself in so extraordinary a Manner, that all Historians agree, that the signal Victory, obtained by the *Scotch* that Day over the *English*, was entirely owing to his Valour and Conduct. But, tho' his Country in that glorious Action reaped Glory, and very much distressed their Enemies, yet this great Man did not live to reap the Fruits of his Victory; for his martial Ardour, hurrying him too far in the Pursuit, he was killed
by

by a random Shot of some of the Runaways, or rather (as some say) by the Mistake of some of his own Men, too eager in the Chase to distinguish Persons, which in a great Measure compensated to the *English* the Loss of the Battle; and imbittered the Victory to the *Scotch*, who were so disheartened by the Death of this great Man, that they did not pursue the Advantage they had gained; but remained unactive, and allowed their Enemies to recover from their Panic, and recruit afresh their scattered Army.

What added to the Misfortune of this Gentleman's Death, was, that he left no Male Issue; he left only one Daughter, named *Agnes*, who married *Gilbert*, Son and Heir of *Adam Johnston* of that *Ilk*, who was possessed in right of her, of all the Lands belonging to her Father, in the Shire of *Mid-Lothian*; but those Lands named *Elphinston*, in the Shire of *Sterling*, devolved on his Death, in consequence of a solemn Arbitration in 1471, upon Sir *Henry Elphinston*, Brother to Sir *Alexander*, who, as the next collateral Male Branch, has continued the Line of this noble Family ever since, in a direct Lineage without any Interruption.

Sir *Henry*, now possessed of the greatest Part of the patrimonial Estate, and acknowledged the undoubted Chief, was no ways inferior to any of his Predecessors, in those eminent Qualities which raised them to their present Grandeur: He was a Man of great Prudence and OEconomy in the Management of his Estate, to which

which he made several considerable Additions: He was no less remarkable for his eminent Qualities as a Statesman, which he displayed in the discharge of several Employments in the State: He was no ways ambitious of Titles, or the Pomp of a Court; whereat he never appeared, but when the necessary Affairs of his Employments required: However, he introduced to the Court of *James IV.* his Son and Heir, Sir *Alexander*, whose Genius seemed better fitted for the Air of a Court, than that of his own.

Sir *Henry* died much regretted, and Sir *Alexander* his Son took Possession of his Estate and Honours, and had made such Interest at Court in his Father's Lifetime, that he succeeded without Opposition to all his Employments; was declared one of the Privy-Council, and in a little Time created a Baron, and called to Parliament: He had merited much of the King, in the Difference betwixt him and his Father; though his greatest Enemies do not charge him, as being accessory to any of those violent Measures, which sent the one *James* out of the World, and raised the other to the Throne.

He married *Margaret Barlow*, Maid of Honour to *Margaret*, Queen of *James IV.* who gave him in Dowry with her, the Barony of *Kildrumny*, in the Shire of *Marr*, but he did not live long to enjoy either his new Honours, or the Acquisitions by his Wife; for he followed his Royal Master to the fatal Field of *Flowden*, where he died fighting by his Sovereign,
and

and was buried with the Flower of the *Scotch* Nobility, who that Day lost their Lives.

This noble Lord left Issue, by *Elizabeth* his Wife, *Alexander*, the second Lord *Elphinston*, who was but an Infant when his Father died, was somewhat deformed in his Person, and had not the most promising Disposition; at least the Records of the Family, which are not generally very minute in recording of Vices, have said nothing shocking of him; yet have not been able to relate any good thing of him: He married *Elizabeth*, Daughter of *John*, Lord *Erskine*, by whom he had five Sons; the third of them, we are told, was Cup-Bearer to King *James VI.* the fourth was Master of his Household, and the eldest, named *John*, succeeded his Father.

John, the third Lord *Elphinston*, married *Elizabeth*, Daughter to Sir *John Drummond*, of *Innerpeffry*, by *Janet* his Wife, natural Daughter of King *James IV.* His Merit was conspicuous, and he soon made a Figure both in the Camp and Cabinet: His Inclination to the military was so great, that, as by the Union of the Crowns the Jars between *Scotland* and *England* being now at an End, which used to employ the Youth of both Nations, he could not remain unactive at Home, but went over into the Service of the Emperor, where he signalized himself in such a Manner, as reflected great Honour both on himself and his Country; but his Fire of Youth abating, as his Years advanced, he returned to his own Country,

try, where he made as considerable a Figure, as a Statesman, as he had done Abroad as a General: His Interest was great at Court, and he made use of it, to ennoble and aggrandize his Family. He got his second Son *James* created a Baron, by the Name and Title of Lord *Balmerino*; his eldest Son succeeded him in the Title of *Elphinston*, was made a Privy-Councillor by King *James VI.* and Lord High-Treasurer of *Scotland*: But we proceed no farther in this Branch of the *Elphinston's* Line; but shall now trace this Lord *Balmerino* down to the unfortunate Nobleman lately executed.

James Elphinston, second Son of Lord *Elphinston*, was, by his Father, bred to the Law; wherein he made great Proficiency, and in a short Time his Abilities were so remarkable in the Profession, that King *James* made him one of the Senators of the College of Justice.

His Abilities were not confined to the bare Study of the Law, but King *James* found him an able Statesman, and in a short Time made him Secretary of State, and President of the Court of Session; and he discharging those Offices to the Satisfaction of the Subject as well as of his Majesty, was created a Baron by the Name and Title of Lord *Balmerino*.

He married to his first Wife *Sarah*, Daughter to Sir *John Monteith* of *Cars*, by whom he had *John*, his Heir: He married to his second Wife, *Margery*, Daughter of *Hugh Maxwell* of *Tyning*, by whom he had one Son, *James*, created Lord *Cowper*, and a Daughter married to Lord *Frazer*.

John,

John, the second Lord *Balmerino*, was every way equal to his Father in great Parts, and had an universal Knowledge of Men and Letters: He married *Ann*, Daughter to *James Kerr* of *Kersland*, and Sister to the famous *Kerr*, Earl of *Somerſet*, Favourite to King *James VI.* the Man for whose Sake he denounced a Curse upon his Posterity, which seems to have followed them and the Nation ever ſince.

Though the Lord *Balmerino* had all the Talents neceſſary to compleat a Statesman, and all the Addreſs neceſſary to a Courtier, (being eſteemed one of the politeſt Gentlemen of his Time) and had ſo great a Favourite for his Brother-in-Law, yet he never attempted any Thing at Court, or coveted any Places, either in *Scotland* or *England*; he left Iſſue one Son named

John, who ſucceeded him, and like his Father, lived retired from Court, upon the Patrimony of the Family: He married *Ann*, Daughter to *John Campbell*, Earl of *Loudon*; and by her had Iſſue,

John the fourth Lord *Balmerino*, who was, in the Reign of Queen *Anne*, made General of her Mint, and Sheriff of the County of *Edinburgh*; and in One Thouſand Seven Hundred and Thirteen, he was elected one of the Sixteen Peers, to repreſent the Peerage of *Scotland* in the Parliament of *Great-Britain*: He married to his firſt Wife, *Chriſtian* Daughter to *Hugh Montgomery*, Earl of *Eglington*, by whom he had two Sons, and one Daughter; *Hugh* the Eldeſt was killed at the Siege of *Lifle*.

Lisle. His second Wife was Daughter of *Arthur Ross*, Archbishop of *St. Andrews*, by whom he had two Sons and one Daughter.

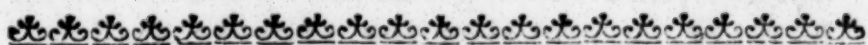
James the Younger succeeded him. While he had no Prospect of the Estate of *Balmerino*, he was bred to the Law ; where he made a very considerable Figure at the Bar, as an Advocate, had a large share of Employment, and was esteemed an able and honest Counsellor. He was rather a solid Pleader, than a refined Orator ; but he understood the Law so well, and preserved the Chastity of his Character so tenderly, by avoiding being concerned in any scandalous Actions, that he was listened to with great Attention by the Bench, at a Time when it was filled with the most eminent Lawyers that ever appeared in *Scotland*.

His remarkable Abilities, accompanied with a great Sedateness, soon recommended him to a Seat on the Bench, where he discharged that high and important Trust with great Honour and strict Integrity. He was esteemed an able and just Judge, always avoiding mixing Party Spirit with the Bench : He never could be brought to prostitute the Dignity of his Office to serve Ministerial Jobs ; but the Country might always depend upon him as a fast Friend, when any Thing relative to their Interest came before the Court.

He applied closely to his Business as a Judge, and gave such Satisfaction to the Practitioners before that Court, that I have known forty Causes in his Hand Roll, when there was not
one

one fourth of that Number before some other Judges.

This worthy Lord died a Year and a half ago, but left no Issue: He was succeeded by *Arthur*, the late unhappy Lord, Son of *John*, the fourth Lord *Balmerino*, by his second Wife, Daughter of *Arthur Ross*, Archbishop of *St. Andrews*. This Lord was in the Army at the breaking out of the last Rebellion in the Year 1715, but threw up his Commission before he joined the Rebels, which saved him from being punished as a Deserter: He commanded a Company in the late Rebellion, and was at the Battle of *Sheriff-Muir*. After the Dispersion of the Rebels, he went over to *Denmark*, and remained there till the general Act of Indemnity passed, from which he was not excepted. After he returned, he lived privately upon his Patrimony, which was but small, till the Death of the late Lord *Balmerino*, his eldest Brother. His Lordship was fifty-eight; his Temper was naturally grave, but not sul-
len; he was always esteemed a Man of Courage, Constancy, and Integrity: He was late in joining in the present Rebellion, and brought only his menial Servants with him; nor does it appear that he made any considerable Figure amongst them, either in a civil or military Capacity; his Name being scarce mentioned in public, till we had an Account of his being Prisoner,



A faithful Narrative of the Proceedings against them; and also the Genuine Speeches of the Lords KILMARNOCK and CROMERTIE.

ON Monday the Twenty-eighth of July, about Eight o'Clock in the Morning, the Three Lords were brought from the *Tower* in Three Coaches, attended by a Party of Guards, and the Warders of the *Tower*, with their Battle-Axes, preceding and surrounding the Coaches: His Lordship the Earl of *Kilmarnock* was in the first Coach, attended by Colonel *Williamson*, Governor of the *Tower*; the Earl of *Cromertie* followed in the second, accompanied by the commanding Officer of the Guards then on Duty; and the Lord *Balmerino* followed in the last, accompanied by the Gentleman Goaler, with the Axe covered, lying in the Seat before them.

They proceeded through the City to *Westminster-Hall*, without any visible Emotion or Dejection in their Countenances; the Mob having behaved all the way with great Decency, neither hissing, nor offering them any Indignity; only near *Temple-Bar*, some of the Mob appeared to hollow, at which the Lord *Balmerino* seemed a little offended.

When the Coaches came up to the Door of the Hall, the Earl of *Kilmarnock* came

D

out

out first, and turning himself round in an easy Manner, as if to view the adjacent Buildings, he received the other Lords as they alighted with a polite and unconstrained Bow. When they had all alighted, the Gentleman Goaler marched into the Hall with the Axe, the Edge turned from the Lords, and they following.

The Lord Chancellor, Lord High Steward of *Great-Britain* for the Time being, came in Grand Procession from his own House to the Hall: Which began by a great Train of Constables; then came five led Coaches, and his Lordship's Body Coach, next the State Coach, preceeded by Ten Footmen bare-headed; then the Lord Chief-Justice of *England*; the Master of the Rolls; and all the Judges in Town, and the Masters in *Chancery*, each in their several Coaches. His Lordship was in his Robes of State, and Sir *William Saunderson*, Deputy-Usher of the Black Rod, was in the Coach with his Lordship, and carried the White Wand.

Upon his Lordship's the High Steward's Arrival at the House of Lords, the Peers present, to the Number of 136, all in their Parliament Robes, were marshalled according to their Seniority in the Painted Chamber; and marched in Grand Procession to the Hall, where they took their Places according to their Dignity.

The Lord High Steward being seated on the Chair under the Canopy, the Clerk of the Crown in *Chancery* presented the Commission appointing a Lord High Steward to his Grace
upon

upon the Knee; and the same being returned to the Clerk of the Crown, was read, all the Peers standing up uncovered.

Then the Staff was delivered to his Grace the Lord High Steward, by Garter King at Arms, and the Gentleman Usher of the Black Rod.

After which the Lords Prisoners were brought to the Bar; and his Lordship, *William* Earl of *Kilmarnock*, was arraigned, and pleaded Guilty to his Indictment. The Earl of *Cromertie* was next arraigned, and pleaded Guilty likewise; both submitting themselves to his Majesty's Mercy and Clemency.

The Lord *Balmerino* being arraigned, pleaded Not Guilty; upon which the House proceeded to his Trial: The Council for the Crown, who were Mr. Attorney, Mr. Solicitor, and Sir *John Strange*, opened the Indictment, and examined several Witnesses as to the Facts charged. His Lordship all the while never pretending either to object to the Evidence, nor the Manner in which the Facts were laid in the Indictment.

After which the Prisoner was ordered to be taken from the Bar. The Question was put by his Grace the Lord High Steward, Guilty, or Not Guilty; beginning with the youngest Baron; when he was unanimously found Guilty. Then all the Three Lords Prisoners were ordered back to the *Tower*, and to be brought up on *Wednesday* to receive Sentence.

On *Wednesday* the 30th of *July*, the Lord High Steward came from his own House in

the same Grand Proceſſion as the Day before ; the Lords proceeded in the ſame Form from the Chamber of Parliament to the Hall ; and the Lords Priſoners were brought from the *Tower* in the ſame Manner, and accompanied by the ſame Perſons, as on *Monday*. His Grace the Lord High Steward being ſeated on the Chair before the Throne, the Lords Priſoners were brought to the Bar ; when his Grace, addreſſing himſelf to the Earl of *Kilmarnock*, acquainted his Lordſhip, that as he had thought proper to plead Guilty to the Indictment found againſt him, he had thereby confeſſed the ſeveral Crimes and Treafons with which he was therein charged ; and therefore he now deſired to know if his Lordſhip had any Thing to offer, why Sentence of Death ſhould not be paſſed upon him.

His Lordſhip then addreſſing himſelf to his Grace the Lord High Steward, and the Houſe, delivered the following Speech.

May it pleaſe your Grace and my Lords,

“ **I** HAVE already, from a due Senſe of my
 “ Folly, and the Heinousneſs of thoſe
 “ Crimes with which I ſtand charged, acknow-
 “ ledged myſelf Guilty, and obnoxious to thoſe
 “ Punishments, which the Laws of this Land
 “ have wiſely provided for Offences of ſo
 “ deep a Dye. Nor would I have your
 “ Lordſhips to ſuſpect, that what I am now to
 “ offer, is intended to extenuate thoſe Crimes
 “ or

“ or palliate my Offences ; No, I mean only
 “ to address myself to your Lordships merciful
 “ Disposition, to excite so much Compassion
 “ in your Lordships Breasts as to prevail on your
 “ Grace, and this Honourable House, to intercede with his Majesty for his
 “ Royal Clemency.

“ Though the Situation I am now in, and
 “ the Folly and Rashness which has exposed
 “ me to this Disgrace, cover me with Confusion,
 “ when I think of the unsullied Honour of my
 “ Ancestors ; yet I cannot help mentioning their
 “ unshaken Fidelity and steady Loyalty to the
 “ Crown, as a proper Subject to excite that
 “ Compassion which I am now soliciting : My
 “ Father was an early and steady Friend to the
 “ Revolution, and was very active in promoting
 “ every Measure that tended to settle and secure
 “ the *Protestant* Succession in these Kingdoms ;
 “ and particularly in that great Event, that
 “ gave the finishing Hand to the Establishment
 “ of the present Illustrious Family ; I mean the
 “ Union of the Kingdoms : He not only in his
 “ Public Capacity promoted these Events, but in
 “ his Private supported them ; and brought me
 “ up, and endeavoured to instil into my early
 “ Years, those Principles of the Revolution,
 “ which had always been the Rule of his
 “ Actions.

“ It had been happy for me, my Lords,
 “ that I had always been influenced by his
 “ Precepts, and acted up to his Example :

“ Yet I believe, upon the strictest Enquiry
 “ it will appear, that the whole Tenure of
 “ my Life, from my first entring into the
 “ World, till the unhappy Minute in which
 “ I was seduced to join in this Rebellion, has
 “ been agreeable to my Duty and Allegiance,
 “ and consistent with the strictest Loyalty.

“ For the Truth of this, I need only ap-
 “ peal to the Manner in which I have educa-
 “ ted my Children ; the Eldest of whom has
 “ the Honour to bear a Commission under
 “ his Majesty, and has always behaved like a
 “ Gentleman. I brought him up in the true
 “ Principles of the Revolution, and an Abhor-
 “ rence of Popery and Arbitrary Power : His
 “ Behaviour is known to many of this Ho-
 “ nourable House ; and therefore I take the
 “ Liberty to appeal to your Lordships, if it is
 “ possible that my Endeavours in his Educa-
 “ tion should have been attended with such
 “ Success, if I had not myself been sincere in
 “ those Principles, and an Enemy to those
 “ Measures which have now involved me and
 “ my Family in Ruin : Had my Mind at that
 “ Time been tainted with Disloyalty and Dis-
 “ affection, I could not have dissembled so
 “ closely from my own Family, but some
 “ Tincture of it would have devolved to my
 “ Children.

“ I have endeavoured as much as my Capa-
 “ city or Interest would admit, to be service-
 “ able to the Crown on all Occasions ; and even
 “ at the breaking out of the Rebellion, I was
 “ so

“ so far from approving of their Measures, or
 “ shewing the least Proneness to promote *their*
 “ *unnatural* Scheme, that by my Interest in
 “ *Kilmarnock* and Places adjacent, I prevent-
 “ ed Numbers from joining them, and en-
 “ couraged the Country as much as possible
 “ to continue firm to their Allegiance.

“ When the unhappy Hour came, that I
 “ became a Party, which was not till after the
 “ Battle of *Preston-Pans*. I was far from be-
 “ ing a Person of any Consequence amongst
 “ them; I neither provided Arms, nor raised a
 “ single Man for their Service: While I con-
 “ tinued with them, I endeavoured to mode-
 “ rate their Cruelty, and was happily instru-
 “ mental in saving the Lives of many of his
 “ Majesty's loyal Subjects, whom they had
 “ taken Prisoners: I assisted the Sick and
 “ Wounded, and did all in my Power to
 “ make their Confinement tolerable.

“ I had not been long with them before I
 “ saw my Error, and reflected with Horror
 “ on the Guilt of swerving from my Allegiance
 “ to the best of Sovereigns; the Dishonour
 “ which reflected upon myself; and the fatal
 “ Ruin which it necessarily brought upon my
 “ Family. I then determined to leave them,
 “ and submit myself to his Majesty's Clemen-
 “ cy; for that Purpose I separated myself
 “ from my Corps at the Battle of *Culloden*;
 “ and stayed to surrender myself a Prisoner,
 “ though I had frequent Opportunities, and
 “ might have escaped with great Ease; for the

“ Truth of which I appeal to the Person to
 “ whom I surrendered.

“ It is with the utmost Abhorrence and
 “ Detestation, I have seen a Letter from the
 “ *French Court*, presuming to dictate to a
 “ *British* Monarch, the Manner he should
 “ deal with his rebellious Subjects; I am not
 “ so much in love with Life, nor so void of a
 “ Sense of Honour, as to expect it upon such
 “ an Intercession; I depend only upon the
 “ merciful Intercession of this Honourable
 “ House, and the innate Clemency of his Sa-
 “ cred Majesty.

“ But if, my Lords, if all I have offered is
 “ not a sufficient Motive to your Lordships to
 “ induce you to employ your Interest with his
 “ Majesty, for his Royal Clemency in my Be-
 “ half, I shall lay down my Life with the ut-
 “ most Resignation; and my last Moments
 “ shall be employed in fervent Prayer for the
 “ Preservation of the Illustrious *House of Ha-*
 “ *novor*, and the Peace and Prosperity of
 “ *Great-Britain.*”

The Earl of *Kilmarnock*'s Speech being end-
 ed, and he withdrawn from the Bar, my
 Lord *Cromertie* being asked by his Grace the
 Lord High Steward, if he had any Thing to
 offer in Arrest of Judgment, delivered him-
 self in the following Manner, but he was so
 low and faint, that he could be heard but by
 a few.

My

My Lords,

“ I HAVE now the Misfortune to appear
 “ before your Lordships, guilty of an Of-
 “ fence of such a Nature, as justly merits the
 “ highest Indignation of his Majesty, your
 “ Lordships, and the Public: And it was from
 “ a Conviction of my Guilt, that I did not pre-
 “ sume to trouble your Lordships with any
 “ Defence. As I have committed Treason, it
 “ is the last Thing I would attempt to justify.
 “ My only Plea shall be your Lordships Com-
 “ passion; my only Refuge his Majesty’s Cle-
 “ mency. Under this heavy Load of Afflic-
 “ tion, I have still the Satisfaction, my Lords,
 “ of hoping that my past Conduct before the
 “ breaking out of the Rebellion was irreproach-
 “ able, as to my Attachment to the present
 “ happy Establishment both in Church and
 “ State: And, in Evidence of my Affection to
 “ the Government, upon the breaking out of
 “ the Rebellion, I appeal to the then Com-
 “ mander in Chief of his Majesty’s Forces at
 “ *Inverness*, and to the Lord President of the
 “ Court of Session in *Scotland*, who I am sure
 “ will do Justice to my Conduct upon that
 “ Occasion. But, my Lords, notwithstanding
 “ my determined Resolution in Favour of the
 “ Government, I was unhappily seduced from
 “ that Loyalty in an unguarded Moment, by
 “ the Arts of desperate and designing Men.
 “ And it is notorious, my Lords, that no
 “ sooner did I awake from that Delusion,
 “ than

“ than I felt a Remorse for my Departure
 “ from my Duty, but it was then too late.

“ Nothing, my Lords, remains, but to
 “ throw myself, my Life and Fortune, upon
 “ your Lordships Compassion ; but these my
 “ Lords, as to myself, are the least Part of my
 “ Suffering : I have involved an affectionate
 “ Wife, with an unborn Infant, as Parties of
 “ my Guilt, to share its Penalties ; I have in-
 “ volved my eldest Son, whose Infancy, and
 “ Regard to his Parent, hurried him down
 “ the Stream of Rebellion ; I have involved
 “ also eight innocent Children, who must feel
 “ their Parent’s Punishment, before they know
 “ his Guilt. Let them, my Lords, be Pledges
 “ to his Majesty ; let them be Pledges to your
 “ Lordships ; let them be Pledges to my
 “ Country for Mercy ; let the silent Eloquence
 “ of their Grief and Tears, let the powerful
 “ Language of innocent Nature supply my
 “ want of Eloquence and Persuasion ; let me
 “ enjoy Mercy, no longer than I deserve it ;
 “ and let me no longer enjoy Life than I shall
 “ use it to deface the Crimes I have been guil-
 “ ty of. When I thus interceed to his Maje-
 “ sty through the Mediation of your Lord-
 “ ships for Mercy, let my Remorse for my
 “ Guilt as a Subject, let the Sorrow of my
 “ Heart as a Husband, let the Anguish of
 “ my Mind as a Father, speak the rest of my
 “ Misery. As your Lordships are Men, feel
 “ as Men, but may none of you ever suffer
 “ the smallest Part of my Anguish.

“ But

“ But if after all, my Lords, my Safety
 “ shall be found inconsistent with that of the
 “ Public, and nothing but my Blood can at-
 “ tone for my unhappy Crime: If the Sacri-
 “ fice of my Life, my Fortune and Family, is
 “ judged indispensably necessary for stopping
 “ the loud Demands of public Justice; and if
 “ the bitter Cup is not to pass from me, not
 “ mine, but thy Will, O God, be done.”

My Lord *Balmerino*, being asked by the
 Lord High Steward, if he had any Thing to
 offer, why Sentence of Death should not pass
 upon him, moved an Arrest of Judgment up-
 on this Plea, That the Law required the Indict-
 ment should be found in the County where the
 Facts are supposed to be committed; and that
 the present Indictment was found in the Coun-
 ty of *Surry*, though the Facts were charged in
 other Counties; and therefore desired he might
 be allowed Council to plead the Point of Law,
 which he had thus offered to their Lordships.
 and accordingly Mr. *Wilbraham* and Mr. *For-*
rester, were appointed Council for his Lordship:
 The Prisoners were then ordered back to the
Tower, and to be brought again on *Friday*.

On *Friday* the Lords met as before, and the
 Prisoners were brought to the Bar, when my
 Lord *Balmerino* was asked if he intended to
 proceed to argue Arrest of Judgment, he had
 offered the Day before? His Lordship replied,
 that he had been since advised by his Council,
 that there was nothing in the Objection which
 he

he had offered ; that he begged Pardon of their Lordships for the Trouble which he had given the House ; and prayed them to use their Interest with his Majesty for Mercy, on whose Royal Clemency he cast himself for Safety.

The Three Lords were then severally asked, if they had any Thing to offer why Sentence of Death should not pass upon them ? They each answering in the Negative, the Lord High Steward addressed himself to them, and after setting forth the Nature and Heinousness of their Crimes, proceeded to pronounce the following Sentence :

That you William, Earl of Kilmarnock, George, Earl of Cromertie, and Arthur, Lord Balmerino, return to the Prison of the Tower, from whence you came ; from thence you must be drawn to the Place of Execution : When you come there, you must be hanged by the Neck, but not till you be dead ; for you must be cut down alive ; then your Bowels must be taken out, and burnt before your Faces ; then your Heads must be severed from your Bodies, and each of your Bodies divided into Four Quarters, and these must be at the King's Disposal, and God Almighty be merciful to your Souls.

This dreadful Solemnity being over, the Prisoners were taken from the Bar : The Serjeant at Arms, after Three O Yes's, commanded Silence in his Majesty's Name, under Pain of Imprisonment : The Lord High Steward stood up uncovered, and declared to the House, there was nothing more to be done in
virtue

vertue of this Commission, broke the Staff, and declared the Commission dissolved: Then coming down from the Chair to the Woolpacks, he asked their Lordships, if it was their Pleasure to adjourn to the Chamber of Parliament, which the Lords agreeing to, they returned in the same Order of Procession in which they came, the State only excepted.

The Lords Prisoners, after taking Part of a cold Collation prepared for them, were conducted to their Coaches, the Axe being now carried with the Edge towards them, as they proceeded to the *Tower*. They still preserved their Countenances, not betraying the least Signs of Dejection, and the Mob behaved with great Decency.

On the 17th of *August*, 1746, a Respite came down for Lord *Cromertie*, and an Order for the Execution of the Lords *Kilmarnock* and *Balmerino*, the next Day; and accordingly on the 18th, about Six in the Morning, a Thousand of the Foot-Guards, a Troop of Life-Guards, and one of Horse-Grenadier Guards, marched through the City to *Tower-Hill*, to attend the Execution of the two Lords; and the same Morning the Sheriffs of the City (with their Officers and the Executioner) went from the *Mitre-Tavern* in *Fenchurch-street*, to the House hired by them on *Tower-Hill*, for the said Lords.

At Ten o'Clock the Block was fixed on the Stage; soon after, their Coffins were brought, covered with black Cloth, with gilt Nails, &c. On that for the Earl of *Kilmarnock*, was a Plate with

with this Inscription, *Gulielmus Comes de Kil-marnock, decollatus 18 Augusti, 1746, Ætat. suæ 42*, with an Earl's Coronet over it, and six Coronets over the six Handles; and on that for Lord *Balmerino*, was a Plate with this Inscription, *Arthurus Dominus de Balmerino, decollatus 18 Augusti 1746, Ætat. suæ 58*, with a Baron's Coronet over it, and six others over the six Handles.

At half an Hour after Ten the Sheriffs went to the *Tower*, and after knocking some Time at the Gate, they were admitted, and the Prisoners, on their giving a Receipt, were delivered to them; and soon after the Procession appeared in the following Order. 1. The Constables of the *Tower* Hamlets. 2. The Knight-Marshal's Men and Tipstaves. 3. The Sheriffs Officers. 4. The Prisoners attended by their Chaplains, and the two Sheriffs. 5. The *Tower* Warders. 6. A Guard of Musqueteers. 7. Two Hearses and a Mourning Coach.

When the Procession had passed through the Lines into the Area of the Circle, the Passage was closed, and the Horse that were on the Rear of the Foot on the Lines wheeled off, and drew up five deep behind the Foot, on the South Side of the Hill facing the Scaffold. The Lords were conducted to the House facing the Entrance on the Scaffold, where they spent about an Hour; and at half an Hour after Eleven o'Clock, the Earl of *Kilmarnock*, with the Sheriffs, Mr. *Foster*, who attended him, and some other Gentlemen came upon the

the Scaffold : His Lordship was dressed in Black, and having spent a little Time in Devotion, he took the Bag from his Hair, and by the Help of his Gentleman pulled off his Coat and Neckcloth, and put on a Cap made of a Damask Napkin ; after which he spoke to the Executioner, who was dressed in White, and saluted his Friends : His Hair seeming to be in the Way, he put it under his Cap, and his Shirt and Neck of his Waistcoat were tucked in ; after which he knelt down at the Block, on a Black Cushion, and laid down his Head, and raised it again five several Times ; then the Cap being drawn over his Eyes, (a large Piece of Scarlet Cloth being held under the Block to catch the Head in) he laid down his Head, and in about five Minutes gave the Signal, and the Executioner at one Blow severed his Head from his Body, except a small Piece of Skin, which was immediately cut off, wrapped in the Scarlet Cloth, and the Body put into the Coffin. He behaved on the Scaffold with great Decency, but was weak in Body, having been indisposed for some Days past : He was very penitent, and appeared in every respect melancholly at his unhappy Circumstances, notwithstanding he bore his Death with the Conduct and Resolution of a Man.

As soon as the Scaffold was cleared from the Blood of the executed Lord, the Sheriffs went for the Lord *Balmerino*, who soon came upon the Stage, dressed in his Regimentals, a blue Coat turned up with red, with Brass Buttons,
and

and a Tye-Wig, with the Air of a Man going to a Wedding ; he read the Inscription on his Coffin, and afterwards read a Paper to the Sheriffs, by which he cleared himself from being of the Council that proposed the massacreing of all the *English* Prisoners, which he delivered to them, and for some Time walked about talking, seemingly under very little Concern ; he enquired after his Hearse, and asked for the Warder of the *Tower*, to whom he gave his Wig, and some Money ; he then pulled off his Coat, and laid it on his Coffin, put on a Cap made of *Scotch* Plad, and took up the Axe and felt of it, then called for the Executioner, and talked to him some Time, during which he gave him Directions how to perform the Execution, and in about two Minutes after pulled off his Waistcoat, tucked down his Shirt, and knelt down on the wrong Side of the Block, of which he being informed, got up again, and went to the other Side, and laying down his Head, gave the Executioner the Signal before he was prepared to receive it : He received three Blows, the first partly on his Shoulders, the second went about two Thirds through his Neck (on which the Lord fell down) and being immediately raised, a third Blow took off his Head, a Scarlet Cloth receiving it, as it did the other ; and the Body being put into the Coffin, they were both buried in the *Tower* : He did not appear so calm and sedate as the Earl of *Kilmarnock*, but behaved upon the Scaffold with the same Heat and Resolution he had acted all his Life-time.

F I N I S.

